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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/762,068

01/20/2004

Owen Bradley

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5179

7590

08/25/2006

PEACOCK MYERS, P.C.
201 THIRD STREET, N.W.
SUITE 1340
ALBUQUERQUE, NM 87102

EXAMINER

GUTMAN, HILARY L

ART UNIT

PAPER NUMBER

3612

DATE MAILED: 08/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/762,068	Applicant(s) BRADLEY, OWEN	
	Examiner Hilary Gutman	Art Unit 3612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, 6, 7, 11, 12, 15, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. (DE 19947177A1) in view of McNew (US Patent 4,986,589).

Petersen et al. disclose a cabinet seat support for use in a vehicle having a cab with a seat and floor, said cabinet comprising: a base (3); upstanding sidewalls (3) connected to the base, and a drawer (4) indirectly connected to at least one of the upstanding sidewalls, the base and walls defining an enclosure (Fig. 5) on all sides within which items can be securely stowed; and at least one holding component (for holding files) disposed within the enclosure; and wherein said cabinet is disposed between the cab seat (2) and the floor (Fig. 4) and is supporting the cab seat (Figs. 4 and 5). Regarding claim 3, Petersen et al. disclose that the drawer can be opened from either side of the seat (Figs. 1 and 4). Regarding claim 4, Petersen et al. disclose a small compartment (5) for holding objects. Regarding claim 7, fasteners connecting the cabinet (3) to the cab floor and to the seat (2) would have been inherent. Regarding claim 11, Petersen et al. disclose that the cabinet (3) is integral to the seat (Fig. 5).

Petersen et al. do not disclose that the cab seat is a front (claim 1) passenger seat (claim 2) or that the drawer comprises a file compartment (claim 1) with a plurality of fasteners to

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position files. Petersen et al. do disclose a compartment (5) for holding objects which is connected to the drawer.

Regarding the limitation that the seat is a front passenger seat. Petersen et al. disclose in the English language abstract that the storage device can be extended into a free space formed between two neighboring seats. It would have been obvious to one of ordinary skill in the art at the time of the invention to make neighboring seats the front seats or to have made the cab seat the vehicle operator seat. The motivation would have been to allow access to the storage drawer when only the operator is in the vehicle.

McNew discloses a filing cabinet for use in a vehicle which is accessible by the vehicle operator without the operator having to exit the vehicle. McNew discloses that the file cabinet is used to store work orders, invoices, etc. Regarding claim 12, McNew discloses that the filing cabinet includes a lock

Petersen et al. and McNew are analogous art because they are from the same field of endeavor, i.e., vehicle storage devices.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to use the storage compartment of Petersen et al. as a file cabinet as taught by McNew.

The motivation would have been to have a storage drawer which is easily accessible by the operator of the vehicle without the operator having to get out of the vehicle and which allows the vehicle operator to store work orders, invoices, etc. in the vehicle.

Therefore, it would have been obvious to combine McNew with Petersen et al. to obtain the invention as specified in claims 1-4, 7, 11, 12 and 15.

Regarding claim 6, it would have been obvious to use the seat system of Petersen et al. as modified in a vehicle meeting the requirements of DOT classes 6-9. The motivation would have been to allow the work storage cabinet to be used in a wide variety of work vehicles.

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. in view of McNew as applied to claims 1-4 above, and further in view of Pearse et al. (US Patent 6,488,327).

Petersen et al. as modified disclose the cabinet of claim 4.

Petersen et al. as modified do not disclose that the small compartment is on the face of the drawer.

Pearse et al. disclose an under seat storage compartment with a small compartment on a surface of the opening for the storage compartment.

Petersen et al. as modified and Pearse et al. are analogous art because they are from the same field of endeavor, i.e., under seat storage compartments.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a small storage compartment on the face of the drawer.

The motivation would have been to securely store small items so that they do not get lost in the relatively large expanse of the drawer.

Therefore, it would have been obvious to combine Pearse et al. with Petersen et al. as modified to obtain the invention as specified in claim 5.

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4. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen in view of McNew as applied to claims 1-4, 6 and 7 above, and further in view of Hofmann et al.

Petersen et al. as modified disclose the cabinet of claim 7.

Petersen et al. as modified do not disclose that the seat can pivot forward to allow access to the cabinet top or that the back rest folds forward to provide a flat surface.

Hofmann et al. disclose an under seat storage compartment with a drawer that can be opened from either side of the seating structure and in which the seat pivots forward to allow the cabinet top to be used as a flat surface and in which the seat back pivots forward to allow the seat back to be used as a table surface.

Petersen et al. as modified and Hofmann et al. are analogous art because they are from the same field of endeavor, i.e., under seat storage compartments.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to allow the seat to pivot forward and to allow the seat back to pivot forward.

The motivation would have been to allow the cabinet top or the seat back to be used as a writing surface.

Therefore, it would have been obvious to combine Hofmann et al. with Petersen et al. as modified to obtain the invention as specified in claims 8-10.

5. Claims 12, 13, 14, 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petersen et al. in view of McNew as applied to claims 1-4, 6, 7 and 11 above, and further in view of Carico (US Patent 5,895,086).

Petersen et al. as modified disclose the cabinet of claims 1-4 and 6, 7 and 11.

Petersen et al. do not disclose that the drawer includes a lock which is operable in response to vehicle conditions.

Carico discloses an under seat storage compartment with a lock which is operable in response to vehicle conditions (it is similar to a vehicle door lock).

Petersen et al. as modified and Carico are analogous art because they are from the same field of endeavor, i.e., under seat storage compartments.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to include a lock which is operable in response to vehicle conditions. The motivation would have been to ensure that the cabinet is accessible only under safe conditions and provides theft protection.

Therefore, it would have been obvious to combine Carico with Petersen et al. as modified to obtain the invention as specified in claims 13, 14 and 16-20.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

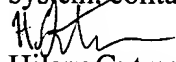
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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hilary Gutman whose telephone number is (571) 272-6662.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, D. Glenn Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Hilary Gutman
August 18, 2006